

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Tuesday, September 1, 1998

DIVISION ONE

A076756 -- The People v. Robert Adger et al.

The judgments are affirmed. Strankman, P.J. We concur: Stein, J., Swager, J. (Not for Publication.)

A079692 -- The People v. Jared Joseph de Flores.

The judgment is affirmed. Strankman, P.J. We concur: Stein, J., Swager, J. (Not for Publication.)

A080201 -- The People v. Elizah Raymond Morgan.

The judgment is affirmed. Strankman, P.J., We concur: Stein, J., Swager, J. (Not for Publication.)

A080502 -- Henry M. Steinberg v. Alex Malinov.

The portion of the order of August 13, 1997, granting default judgment for \$8,717 on the first cause of action is affirmed; that portion of the order denying the default judgment on the remaining causes of action is reversed. The cause is remanded to the trial court for proceedings consistent with this opinion. Costs to appellant. Strankman, P.J. We concur: Stein, J., Swager, J. (Not for Publication.)

A081228 -- Jason Sarrow v. Howard Lee.

The judgment is reversed only as to Sarrow's claims for forcible detainer, wrongful eviction, retaliatory eviction, and breach of contract. Costs to Sarrow. Strankman, P.J. We concur: Stein, J., Swager, J. (Not for Publication.)

Tuesday, September 1, 1998 (continued)

A081875 -- The People v. Phillip Paul Tapia.

The judgment is affirmed. Swager, J. We concur: Strankman, P.J., Stein, J. (Not for Publication.)

DIVISION TWO

A076996 -- JoEmma Eanni v. Montgomery Ward & Co., Incorporated.

The judgment is affirmed. Ruvolo, J. We concur: Haerle, Acting P.J., Lambden, J. (Not for Publication.)

A078002 -- The People v. Michael Royce Parker.

The judgment is affirmed. Kline, P. J. We concur: Lambden, J., Ruvolo, J.
(Not for Publication.)

A078082 -- The People v. Dedric Blount.

A082548 -- In re Dedric Blount, On Habeas Corpus.

This case is remanded to the trial court for the limited purpose of re-computing Blount's jail and prison time credits. In all other respects, the judgment is affirmed and the petition for a writ of habeas corpus is denied. Haerle, J. We concur: Kline, P.J., Lambden, J. (Certified for Partial Publication.)

A079903 -- The People v. Ladrue James Swanson.

The judgment is affirmed. Kline, P.J. We concur: Haerle, J., Ruvolo, J.
(Not for Publication.)

A081569 -- Christopher Morrison, et al. v. Viacom Inc.

The judgment is affirmed. Haerle, J. We concur: Kline, P.J., Lambden, J.
(Certified for Publication.)

Tuesday, September 1, 1998 (continued)

A082181 -- The People v. Thomas Edward Burke.

The judgment is affirmed. Ruvolo, J. We concur: Haerle, Acting P.J., Lambden, J. (Not for Publication.)

DIVISION FIVE

A080428 -- Marvin D. Anderson v. ProBusiness Services, Inc., et al.

We reverse the judgment. Each party shall bear their own costs. Jones, Acting P.J. We concur: Haning, J., Champlin, J.* *Judge of the Superior Court of Napa County, assigned by the Chief Justice pursuant to article VI., section 6 of the California Constitution. (Not for Publication.)

MINUTES

COURT OF APPEAL STATE OF CALIFORNIA FIRST APPELLATE DISTRICT

DIVISION FIVE

Tuesday, September 1, 1998

Court convened at 9:30 a.m. in its Courtroom at 303 Second Street, South Tower, Fourth Floor, San Francisco, California. Present: Jones, J., Acting Presiding Justice; Haning, J.; Champlin, J., on assignment; and Richard H. Sandvik, Deputy Clerk.

- A080146 Antoine L. Ware, Jr., et al.,
 v.
 Lossieland Preschool, Inc.,
 Cause called and argued by Gerald Clausen, counsel for appellant, and by
 Charles S. Custer, counsel for respondent. Cause ordered submitted.
- A078771 James P. Botz et al.,
 v.
 Alan Gregory Wonderwheel et al.
 Cause called and argued by Robert Y. Bell, counsel for appellant, and by
 Neil Carlton Baker, counsel for respondent. Cause ordered submitted.
- A080878 Joseph Tracy et al.
A081261 v.
 Yellow Cab Cooperative, Inc., et al.
 Desoto Cab Company
 Cause called and argued by John H. Feldmann, III, counsel for appellant,
 and by Barry F. Wester, counsel for respondent. Cause ordered
 submitted.
- A080054 BHP Steel Building Products USA, Inc.
A080842 v.
 Board of Trustees of the Leland Stanford Junior University
 Cause called and argued by Jeffery A. Rich, counsel for appellant, and by
 Donald K. Struckmann and Michael P. Quinlivan, counsel for respondent.
 Cause ordered submitted.

- A081079 In re Joaquin G., a minor.
The People
v.
Joaquin G.
Cause called and argued by Charles B. Holzhauer, counsel for appellant,
and by Ryan Albaugh, Certified Law Student, arguing for the Attorney
General, counsel for respondent. Cause ordered submitted.
- A079786 The People
v.
Bruce James Bonney
Cause called and argued by John Doyle, counsel for appellant, and by
Mia Anna Mazza, Deputy Attorney General, counsel for respondent.
Cause ordered submitted.
- A082896 In re Daniel Louis Troy on Habeas Corpus
A079329 The People
v.
Daniel Louis Troy
Cause called and argued by Nancy Colman, counsel for appellant, and by
Bruce Ortega, Deputy Attorney General, counsel for respondent. Cause
ordered submitted.
- A078314 The People
v.
Harold Ardell Dyer
Cause called and argued by Janice Marie Lagerlof, counsel for appellant,
and by Amy Haddix, Deputy Attorney General, counsel for respondent.
Cause ordered submitted.
- A080734 The People
v.
Jeray Lamont Williams
Cause called and argued by Robert L. Angres, counsel for appellant, and
by Rene A. Chacon, Deputy Attorney General, counsel for respondent.
Cause ordered submitted.

Court adjourned at 1:55 p.m.

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Wednesday, September 2, 1998

DIVISION ONE

**A078679 -- Charles Ford v. Workers' Compensation Appeals Board
and Regents of the University of California.**

We hold that the Board properly relied on settled rules of statutory construction as applied in the closely analogous *Peterson* case. The proposed change finding "constructive" filing must be left to the Legislature.

The decision of the Board is affirmed. Strankman, P.J. We concur: Stein, J., Swager, J. (Not for Publication.)

DIVISION FIVE

A077578 -- Donna Grahn v. Exxon Corporation.

Donna Grahn et al. v. Fluor Corporation et al.

The nonsuit in favor of Dillingham is reversed. The judgment is otherwise affirmed. Appellants to recover costs against Dillingham; Fluor and Exxon to recover costs against appellants. Haning, J. We concur: Jones, P.J., Peterson, J.*

*Retired Presiding Justice, Court of Appeal, First Appellate District, Division Five, assigned by the Chief Justice pursuant to article VI, section 6, of the California Constitution. (Not for Publication.)

Wednesday, September 2, 1998 (continued)

A081416 -- The People v. Scott Robert Bowman.

A083369 -- In re Scott Robert Bowman on Habeas Corpus.

The judgment imposed in case A081416 (Marin County Super. Ct. No. SC096917) is affirmed.

Appellant's petition for writ of habeas corpus in A083369 is denied.

Haning, J. We concur: Jones, Acting P.J., Champlin, J.* *Judge of the Superior Court of Napa County sitting under assignment by the Chief Justice pursuant to California Constitution, article VI, section 6. (Not for Publication.)

MINUTES

**COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT**

DIVISION FIVE

Wednesday, September 2, 1998

Court convened at 9:30 a.m. in its Courtroom at 303 Second Street, South Tower, Fourth Floor, San Francisco, California. Present: Jones, J., Acting Presiding Justice; Haning, J.; Champlin, J., on assignment; and Mary Quilez, Deputy Clerk.

A079019 Alfred Ronconi et al.

v.

C. Raymond Larkin, Jr. et al.

Cause called and argued by William S. Dato, counsel for appellant, and by Darryl P. Rains, counsel for respondent. Cause ordered submitted.

Court adjourned at 10:30 a.m.

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Thursday, September 3, 1998

DIVISION ONE

**A083609, A083610 -- In re Samantha M. and Tiffany M., Persons
Coming Under the Juvenile Court Law.**

Let a peremptory writ of mandate issue commanding respondent superior court to set aside its orders terminating reunification services and setting a Welfare and Institutions Code section 366.26 hearing.

This writ is final as to this court immediately. (Cal. Rules of Court, rule 24(d).) The section 366.26 hearing presently set for September 30, 1998, is hereby stayed, said stay to remain in effect until remittitur issues in this case. Stein, J. We concur: Strankman, P.J., Swager, J. (Not for Publication.)

DIVISION TWO

A078585 -- The People v. Andre Shamont Gibson.

The judgment of the trial court is affirmed. Kline, P.J. We concur: Haerle, J., Lambden, J. (Not for Publication.)

A079965 -- Warren Merel v. American President Lines, Ltd.

Merel seeks sanctions against APL for filing a "frivolous" appeal. Sanctions are not warranted in this case. (*In re Marriage of Flaherty*(1982) 31 Cal.3d 637.)

We affirm the judgment of the trial court in all respects. Ruvolo, J. We concur: Haerle, Acting P.J., Lambden, J. (Not for Publication.)

Thursday, September 3, 1998 (continued)

A081748 -- In re Orlanzo S., a Person Coming Under the Juvenile Court Law.

We find no meritorious issues to be argued. Kline, P.J. We concur: Haerle, J., Lambden, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION THREE

Thursday, September 3, 1998

Court convened at 9:00 a.m. in its Courtroom at 303 Second Street, Marathon Plaza, South Tower, Fourth Floor, San Francisco, California.

Present: Phelan P.J., Corrigan J., Parrilli, J., and C. Turner, Deputy Clerk.

- A077953 Dorothy Thorpe,
 v.
 City and County of San Francisco, et al,
 Cause called and argued by June Gordy, counsel for appellant, and Michael Killelea, counsel for respondent. Cause ordered submitted.
 Justice Walker took his place on the bench. Justice Parrilli not participating.
- A077471 Thomas Simpson, M.D.,
 v.
 San Francisco Neonatology Medical Group et al.,
 Cause called and argued by Charles Dell'ario, counsel for appellant, and Michael C. Scanlon, Jr., counsel for respondent. Cause ordered submitted.
 Justice Walker not participating on the following case.
- A079596 The People,
 v.
 Gerald Jason Hudson,
 Cause called and argued by Marylou Hillberg, counsel for appellant, via tele-conference, and Deputy Attorney General Jeremy Friedlander, counsel for respondent, via tele-conference. Cause ordered submitted.
 Justice Corrigan left the bench.
- A081271 The People,
 v.
 Mauro Miguel Blardony,
 Cause called and argued by James Courshon, counsel for appellant, and Deputy Attorney General Chris Grove, counsel for respondent, via tele-conference. Cause ordered submitted.

court recessed until 1:30 p.m.

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Friday, September 4, 1998

DIVISION TWO

A079217 -- In re Lovell Lomax, On Habeas Corpus.

A080380 -- In re Kenneth Jackson, On Habeas Corpus.

The judgments (orders) are affirmed. Kline, P.J. We concur: Haerle, J., Lambden, J. (Certified for Publication.)

A079687 -- The People v. Ernest Jerome Echols.

The judgment is affirmed. Lambden, J. We concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

A081060 -- The People v. Ivan C. Turner.

The judgment is affirmed. Kline, P.J. We concur: Haerle, J., Ruvolo, J. (Not for Publication.)

A082046 -- The People v. Mitchell Nathan Wetteland.

The judgment is affirmed. Ruvolo, J. We concur: Kline, P.J., Lambden, J. (Not for Publication.)

A082098 -- In re Jesse Lee F., a Person Coming Under the Juvenile Court Law.

The order adjudging appellant a continued ward of the court pursuant to Welfare and Institutions Code section 602 and committing him to CYA is affirmed. Kline, P.J. We concur: Haerle, J., Lambden, J. (Not for Publication.)

Friday, September 4, 1998 (continued)

DIVISION FOUR

A079289 -- The People v. David Eugene Eliapo.

A083030 -- In re David Eugene Eliapo on Habeas Corpus.

The judgment is affirmed. The petition for writ of habeas corpus is denied.
McGuinness, J. We concur: Poché, Acting P.J., Reardon, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Tuesday, September 8, 1998

DIVISION TWO

A077837 -- Dennis James Coen v. James M. Coen as Trustee etc.

The judgment is affirmed in all respects. Ruvolo, J. We concur: Haerle, Acting P.J., Lambden, J. (Not for Publication.)

DIVISION FOUR

A078477 -- The People v. Steven Franklin.

The judgment, including the sentence, is affirmed. Reardon, J. We concur: Hanlon, P.J., Poché, J. (Not for Publication.)

DIVISION FIVE

A078491 -- Mechanical Contractors Association of Northern California v. Greater Bay Area Association of Plumbing and Mechanical Contractors.

The judgment is reversed. This matter is remanded to the trial court for further proceedings in accordance with the views expressed in this opinion. The parties are to bear their own costs. Jones, Acting P.J. We concur: Haning, J., Champlin, J.* *Judge of the Superior Court of Napa County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution. (Certified for Partial Publication.)

Tuesday, September 8, 1998 (continued)

A079619 -- The People v. Elmer Allan Bock.

The judgment is affirmed. Jones, Acting P.J. We concur: Haning, J., Champlin, J.* *Judge of the Superior Court of Napa County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Wednesday, September 9, 1998

DIVISION TWO

A077707 -- Iris D. Briggs v. Taniela F. Kivalu.

The order is affirmed. Lambden, J. We concur: Kline, P.J., Ruvolo, J.
(Not for Publication.)

A079524 -- Roberta Lee Franklin et al. v. Faulkner, Sheehan & Wunsch et al.

We affirm the judgment. Haerle, Acting P.J. We concur: Lambden, J., Ruvolo, J. (Not for Publication.)

A080425 -- Carole Anne Burke et al. v. Michael Milani et al.

Order Modifying Opinion and Denying Petition for Rehearing; The Court: It is ordered that the opinion filed herein on August 19, 1998, be modified in the following particulars: (See Order.)

The above order does not reflect a change in the judgment, and the petition for rehearing is denied. Kline, P.J.

A080587 -- The People v. Sprague Li.

The judgment is reversed and the cause remanded to the trial court. If Li moves to withdraw his plea within 30 days of the finality of our decision, the superior court is directed to vacate the plea and reinstate the information for further proceedings. Should Li not move to withdraw his plea within the 30 day period, the superior court is directed to reinstate the judgment. Haerle, Acting P.J. We concur: Lambden, J. Ruvolo, J. (Not for Publication.)

Wednesday, September 9, 1998 (continued)

A080608 --In re Victor D., a Person Coming Under the Juvenile Court Law.

The CYA commitment order is affirmed. Haerle, Acting P.J. We concur: Lambden, J., Ruvolo, J. (Not for Publication.)

A081792 -- The People v. Philip Royce Mullins.

Accordingly, the judgment should be modified to grant appellant two days' conduct credit in addition to the four days' credit for actual time served granted by the trial court. The trial court is directed to amend the abstract of judgment accordingly and to forward a copy thereof to the Department of Corrections.

There are no other issues that require further briefing.

The judgment as modified is affirmed. Kline, P.J. We concur: Lambden, J., Ruvolo, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Thursday, September 10, 1998

DIVISION ONE

A078960 -- Mary Kerner v. County of Marin.

The judgment is affirmed. Stein, J. We concur: Strankman, P.J., Swager, J. (Not for Publication.)

A081138 -- The People v. Jack B. Williams.

The judgment is affirmed. Stein, J. We concur: Strankman, P.J., Swager, J. (Not for Publication.)

DIVISION TWO

A075776 -- John J. Schiavo, Jr. et al. v. VW Credit, Inc. et al.

The judgment is affirmed. Kline, P.J. We concur: Haerle, J., Ruvolo, J. (Not for Publication.)

DIVISION THREE

A077953 -- Dorothy Thorpe v. City and County of San Francisco et al.

The judgment is affirmed. Respondents shall recover their costs on appeal. Parrilli, J. We concur: Phelan, P.J., Corrigan, J. (Not for Publication.)

Thursday, September 10, 1998 (continued)

A078089 -- The People v. Carl William Weiss.

The judgment is affirmed. Parrilli, J. We concur: Corrigan, Actg. P.J., Walker, J. (Certified for Publication.)

DIVISION FOUR

A082797 -- In re Deandre A., a Person Coming Under the Juvenile Court Law.

The order terminating reunification services and setting a Selection and Implementation Hearing (§ 366.26) complies with the governing law and is supported by substantial evidence. The petition for an extraordinary writ is denied on the merits. (Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888, 894; *Bay Development, Ltd. v. Superior Court* (1990) 50 Cal.3d 1012, 1024.) The stay previously issued in this matter is dissolved. Our decision is final in this court immediately. Hanlon, P.J. We concur: Reardon, J., McGuiness, J. (Not for Publication.)

DIVISION FIVE

A078807 -- The People v. Gregory Lee Gray.

Order Certifying Opinion for Partial Publication; By The Court: The written opinion which was filed on August 12, 1998, has now been certified for partial publication, with the exception of parts III and IV, to the California Rules of Court rule 976B, and it is therefore ordered that it be published in the official reports. Jones, P.J.

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Friday, September 11, 1998

DIVISION TWO

A083279 -- In re Jordan N., a Person Coming Under the Juvenile Court Law.

The petition for extraordinary writ is denied on the merits. (See Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888; § 366.26, subd. (1) [precluding further challenge to these orders by petitioner in any subsequent appeal].) Since the permanency planning hearing is presently set for September 30, 1998, our decision is final as to this court immediately. (Cal. Rules of Court, rule 24(d).) Kline, P.J. We concur: Haerle, J., Lambden, J. (Not for Publication.)

DIVISION THREE

A079468 -- The People v. Anthony Beverly.

The judgment is affirmed. Parrilli, J. We concur: Corrigan, Actg. P.J., Walker, J. (Not for Publication.)

A081271 -- The People v. Mauro Miguel Blardony.

The judgment is affirmed. Parrilli, J. We concur: Phelan, P.J., Walker, J. (Certified for Partial Publication.)

Friday, September 11, 1998 (continued)

DIVISION FIVE

**IN THE MATTER OF THE ASSIGNMENT OF THE HONORABLE
PHILIP A. CHAMPLIN TO SIT AS A JUSTICE OF THIS COURT.**

By The Court: It is ordered that the assignment of the Honorable Philip A. Champlin, Judge of the Napa County Superior Court, to sit as a Justice in Division Five be spread upon the minutes in full. Jones, P.J.

**IN THE MATTER OF THE ASSIGNMENT OF THE HONORABLE
J. CLINTON PETERSON TO SIT AS A JUSTICE OF THIS COURT.**

By The Court: It is ordered that the assignment of the Honorable J. Clinton Peterson, Retired Presiding Justice of the Court of Appeal, First Appellate District, Division Five, to sit as a Justice in Division Five be spread upon the minutes in full. Jones, P.J.

MINUTES

COURT OF APPEAL
STATE COURT OF APPEAL
FIRST APPELLATE DISTRICT

Monday, September 14, 1998

ORDER DESIGNATING ACTING ADMINISTRATIVE PRESIDING JUSTICE.

The Court: In accordance with California Rules of Court, rule 75, Presiding Justice Daniel M. Hanlon is designated Acting Administrative Presiding Justice of the First District to serve in my absence. This appointment will be entered into the minutes of the court for this date. Strankman, Administrative Presiding Justice.

DIVISION ONE

A082042 -- The People v. Michael Angelo Fernandez.

The judgment is affirmed. Stein, J. We concur: Strankman, P.J., Swager, J. (Not for Publication.)

A083061 -- The People v. Antonio R. Paulo III.

The judgment is affirmed. Strankman, P.J. We concur: Stein, J., Swager, J. (Not for Publication.)

Monday, September 14, 1998 (continued)

A083334 -- In re Christina L., a Person Coming Under the Juvenile Court Law.

The petitions for extraordinary writ are denied on the merits. (See Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888, 894; *Bay Development, Ltd. v. Superior Court* (1990) 50 Cal.3d 1012, 1024.)

The section 366.26 hearing is set for September 25, 1998. Therefore, our decision is final in this court immediately. Stein, J. We concur: Strankman, P.J., Swager, J. (Not for Publication.)

A083510 -- In re Zakiyah Saleema S., a Person Coming Under the Juvenile Court Law.

The petitions for extraordinary writ are denied on the merits. (See Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888, 894; *Bay Development, Ltd. v. Superior Court* (1990) 50 Cal.3d 1012, 1024.)

The section 366.26 hearing is set for October 26, 1998. Therefore, our decision is final in this court immediately. Strankman, P.J. We concur: Stein, J., Swager, J. (Not for Publication.)

DIVISION TWO

A084149 -- Richard Michalowski, etal. v. The Superior Court of San Mateo County, Fire Insurance Exchange, R.P.I.

By The Court: The petition for writ of mandate/prohibition/stay is denied.. Kline, P.J.

Monday, September 14, 1998 (continued)

DIVISION THREE

**A083277 -- John C. v. The Superior Court of San Francisco County,
San Francisco County Department of Human Services, R.P.I.**

The petition for extraordinary relief is denied on the merits. (See Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal. 4th 888, 894; *Bay Development, Ltd. v. Superior Court* (1990) 50 Cal.App.3d 1012, 1024.) The section 366.26 hearing is set for September 23, 1998. Therefore, our decision is final in this court immediately. Walker, J. We concur: Phelan, P.J., Corrigan, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Tuesday, September 15, 1998

DIVISION TWO

A080387 -- The People v. Tomas Rafael Pinon.

The judgment is affirmed. Kline, P.J. We concur: Haerle, J., Ruvolo, J.
(Not for Publication.)

DIVISION FIVE

A071729 -- Kyle Richmond. v. A.P. Green Industries, Inc., et al.

The judgment is modified to provide that appellants are jointly liable to respondent for \$114,219 in economic damages; A.P. Green is separately liable for \$1,150 in noneconomic damages; and Flexitallic is separately liable for \$575 in noneconomic damages. Except as modified, the judgment is affirmed.

The parties shall bear their own costs on appeal. Haning, J. We concur: Jones, P.J., Peterson, J.* *Associate Justice, Court of Appeal, First Appellate District, Division Five, assigned by the Chief Justice pursuant to article VI, section 6, of the California Constitution. (Certified for Partial Publication.)

A080522 -- In re Antonicia B., a Person Coming Under the Juvenile Court Law.

The parental termination order is affirmed. Haning, J. We concur: Jones, P.J., Champlin, J.* *Judge of the Superior Court of Napa County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution. (Not for Publication.)

Tuesday, September 15, 1998 (continued)

A081066 -- In re the Matter of Shire M., a Minor.

The order terminating parental rights is affirmed. Champlin, J.* We concur: Jones, P.J., Haning, J. *Judge of the Superior Court of Napa County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution. (Not for Publication.)

Courtroom Minutes
Division 4
Tuesday September 15, 1998

Court convened at 9:30 am. in its courtroom at 303-2nd Street, 4th Floor,
San Francisco. Present: Hanlon, P.J., Poche, J. and Reardon, J.; Channing Hoo,
Deputy Clerk and CHP Officer Terry Tracy, Bailiff.

- A081117 Dayna E. Kriedler et al.
 v.
 Victoria's Secret
 Cause called and argued by Robert Rudolph, counsel for appellants Kriedler et
 al., and by Charles D. Jenkins, counsel for respondent. Cause ordered
 submitted.
- At this point, the court reconstituted itself to include Hanlon, P.J., Poche, J. and
McGuiness, J.
- A081771 Kaiser Foundation Hospitals
 v.
 Superior Court, San Mateo County
 Nancy Smee et al.
 Cause called and argued by John Basm, counsel for petitioner Kaiser, and by J.
 Philip Martin, counsel for real parties in interest. Cause ordered submitted.
- A080697 Department of Corrections
 v.
 Chester Holmes
 Cause called and argued by Danette E. Valdez, counsel for appellant
 Department, and by William Pride, counsel for respondent. Cause ordered
 submitted.
- A078760 Harold Rucker
 v.
 Redicare Medical Group et al.
 In pro per appellant Rucker waived oral argument minutes before the hearing.

A079187

Harold Rucker

v.

Hussam El-Gohary, MD

In pro per appellant Rucker waived oral argument minutes before the hearing.

The Court recessed at 11:10 a.m.

Courtroom Minutes
Division 4
Tuesday September 15, 1998

Court reconvened at 2:00 p.m. in its courtroom at 303-2nd Street, 4th Floor, San Francisco. Present: Hanlon, P.J., Reardon, J., McGuiness, J., Jim Campbell, Deputy Clerk and CHP Officer C. Reese, Bailiff.

A079912 In re the Marriage of Stamenson
Carol Ann Stamenson,
 respondent,
v .
Michael Gus Stamenson,
 appellant.

Cause called. Marjorie Fuller argued on behalf of appellant, Michael Gus Stamenson. Raymond Glickman argued on behalf of respondent. Cause submitted.

A078587 People,
 respondent,
v.
Maurice Darnell Jones,
 appellant.

Cause called. Michael Satris argued on behalf of appellant, Maurice Darnell Jones. Violet Lee, D.A.G., argued on behalf of respondent. Submission deferred.

At this time the court reconstituted itself comprising: Poche, Actg. P.J., Reardon, J. and McGuiness, J.

A080181 In re the Marriage of Restaino
Miriam A. Restaino,
 appellant,
v.
Steven J. Restaino,
 respondent.

Cause called. Lydia T.Percin argued on behalf of appellant Miriam A. Restaino. Bernard Wolf argued on behalf of respondent. Cause submitted.

A080052 Christa G. Bothe,
 respondent,
v.
Boon Liang Pang et al.,
 appellants.

Cause called. Gerald Engler argued on behalf of appellants Pang et al. Robert Jaret argued on behalf of respondent. Cause submitted.

A080863 Dennis E. Souza et al.,
 appellants,
v.
Norwest Mortgage, Inc.,
 respondents.

Cause called. Appellants, Melody and Dennis Souza, argued in propria persona. Donald Davidson, Esq., argued via teleconference for respondents. Cause submitted.

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The Court adjourned at 4:10 p.m.

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Wednesday, September 16, 1998

DIVISION ONE

**A079220 -- Odis C. Bowens v. Contra Costa County Sheriff's
Department et al.**

The judgment is affirmed. Stein, J. We concur: Strankman, P.J., Swager, J. (Not for Publication.)

DIVISION TWO

A077800 -- The People v. Leonard Frazier, Jr.

The judgment is reversed. Ruvolo, J. We concur: Kline, P.J., Haerle, J. (Not for Publication.)

A081133 -- Juanita Phillips v. Wesley L. Simpson, et al.

The October 31, 1997, trial court order granting section 473(b) relief is reversed and the trial court is ordered to reinstate the default and default judgment. Costs on appeal are awarded to appellant. Haerle, J. We concur: Kline, P.J., Lambden, J. (Not for Publication.)

A081876 -- The People v. Carl F. Gill.

The judgment is affirmed. Ruvolo, J. We concur: Haerle, Acting P.J., Lambden, J. (Not for Publication.)

Wednesday, September 16, 1998 (continued)

A082738 -- In re Salvatore L., Jr., a Person Coming Under the Juvenile Court Law.

The judgment is affirmed. Ruvolo, J. We concur: Haerle, Acting P.J., Lambden, J. (Not for Publication.)

A083958 -- In re Marcelino J. Davis, on Habeas Corpus.

By The Court: The petition for writ of habeas corpus is denied. Kline, P.J.

A084098 -- In re Emilio Rocha, on Habeas Corpus.

By The Court: The petition for writ of habeas corpus is denied. Petitioner should seek relief, if any, in the Sixth Appellate District. Kline, P.J.

A084103 -- In re Jimmie Osborne, on Habeas Corpus.

By The Court: The petition for writ of habeas corpus is denied. Kline, P.J.

DIVISION THREE

A081892 -- The People v. Arley Ross Simmons.

The judgment is affirmed. Walker, J. We concur: Phelan, P.J., Corrigan, J. (Not for Publication.)

Wednesday, September 16, 1998 (continued)

DIVISION FIVE

A081003 -- Jane Atkinson v. Bay Area Rapid Transit District.

The judgment is affirmed. Champlin, J.* We concur: Jones, P.J., Haning, J. *Judge of the Superior Court of Napa County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution. (Not for Publication.)

MINUTES

CALIFORNIA COURT OF APPEAL FIRST APPELLATE DISTRICT DIVISION TWO

Wednesday, September 16, 1998

The Court met at 9:30 a.m. in its courtroom at 303 - Second Street, 4th Floor, San Francisco. Present: Kline, P.J., Lambden, J., Ruvolo, J. and S. Graham, Deputy Clerk.

A080155 The People
 v.
 Jonathan B., a Minor
Cause called and argued by Sheila Brogna, counsel for appellant and Bruce Ortega, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

A075328 In re the Marriage of Barry Lamar and Susann Margreth Bonds
A076586 Barry Lamar Bonds,
 v.
 Susann Margreth Bonds
Causes called and argued by Paige Wickland, counsel for appellant and Richard Sherman, counsel for respondent. Causes ordered submitted.

Court recessed until 1:30 p.m.

Court reconvened at 1:30 p.m. Present: Kline, P. J., Haerle, J., Lambden, J. and S. Graham, Deputy Clerk.

A079459 The People
 v.
 Darren Joel Valle
Cause called and argued by E. Evans Young, counsel for appellant and Christopher Wei, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

A080084 The People
 v.
 Ralph Eugene Downs
Cause Called and argued by Scott Drexel, counsel for appellant and Eric Share, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

A080694 Anti-Defamation League of B’Nai B’rith, et al.
 v.
 Superior Court, San Francisco County
 Audrey Shabbas, et al.
Cause called and argued by Stephen Bomse, counsel for petitioners and Paul N. McClosky, counsel for real parties in interest. Cause ordered submitted

Court recessed until Thursday, September 17, 1998 at 9:30 a.m.

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Thursday, September 17, 1998

DIVISION THREE

A080642 -- The People v. Corey Coleman Gray.

The appeal is dismissed. Phelan, P.J. We concur: Parrilli, J., Walker, J.
(Not for Publication.)

A081872 -- The People v. Calvin Quintin Brooks.

The judgment is affirmed. Phelan, P.J. We concur: Corrigan, J., Parrilli, J.
(Not for Publication.)

DIVISION FOUR

A078964 -- Lesa Kay Snook v. SFI Insurance Company et al.

The judgment is affirmed. The parties shall bear their respective costs of appeal. Poché, J. We concur: Hanlon, P.J., Reardon, J. (Not for Publication.)

A079187

A078760 -- Harold J. Rucker v. Readicare Medical Group et al.

The orders dismissing appellant's complaint and denying reconsideration are affirmed. Costs are awarded to respondents. Hanlon, P.J. We concur: Poché, J., McGuinness, J. (Not for Publication.)

Thursday, September 17, 1998 (continued)

DIVISION FIVE

**A083371 -- Michael P. v. The Superior Court of Humboldt County,
Humboldt County Department of Social Services, R.P.I.**

By The Court: The petition for extraordinary writ review and request for stay are denied on their merits. (Cal. Const., art. VI, § 14; Cal. Rules of Court, rule 39.1B(o); *Kowis v. Howard* (1992) 3 Cal.4th 888, 894.) Petitioner is barred in any subsequent appeal from making further challenges to the orders terminating reunification services and setting a hearing under section 366.26. (§ 366.26, subd. (l).) Because the section 366.26 hearing as to Tiffany is set for September 18, 1998, our decision is final as to this court immediately. * Before Jones, P.J., Haning, J., Stevens, J. (Not for Publication.)

MINUTES

CALIFORNIA COURT OF APPEAL FIRST APPELLATE DISTRICT DIVISION TWO

Thursday, September 17, 1998

The Court met at 9:30 a.m. in its courtroom at 303 - Second Street, 4th Floor, San Francisco. Present: Kline, P.J., Haerle, J., Ruvolo, J. and I. Santos, Deputy Clerk.

- A080391 The People,
 v.
 Stephen Crump.
Cause called and argued by Patricia Cooney, counsel for appellant, and Deputy Attorney General, John Vance, counsel for respondent. Cause ordered submitted.
- A079517 John Wheeler et al.,
 v.
 Earl Taft Benson.
Cause called and appearance was made by Robert Padrick, counsel for appellants, and John Boyko, counsel for respondent. Both counsels indicated that neither one of them requested oral argument. Cause deemed submitted.
- A075279/
A074965 Johnette Marie Adams et al.,
 v.
 City of Fremont et al.
Cause called and argued by George Murphy, counsel for appellant, and Victoria DeGoff, counsel for respondent. Cause ordered submitted.
- Court recessed until 1:30 p.m.
- Court reconvened at 1:30 p.m. Present: Haerle, Acting P.J., Lambden, J. Ruvolo, J. and I. Santos, Deputy Clerk.
- A080397 The People,
 v.
 Fiesta Faiva Saaga.

Cause called and argued by Andrew Carroll, counsel for appellant, and Deputy Attorney General, Clifford Thompson, counsel for respondent. Cause ordered submitted.

A079910 Allstate Insurance Company,
v.
TIG Insurance Company.
Cause called and argued by Michael Johnson, counsel for appellant, and Michael Barnes, counsel for respondent. Cause ordered submitted.

A081531 Estate of Ervin W. Mayer, Deceased.
City of South San Francisco,
v.
Josephine Anne Mayer.
Cause called and argued by George Yuhas, counsel for appellant, and David Skinner, counsel for respondent. Cause ordered submitted.

A078796 The People,
v.
Kayton Dozon Clark.
Cause called and argued by Gary Garfinkle, counsel for appellant, and Deputy Attorney General, Ken Young, counsel for respondent, by teleconference. Cause ordered submitted.

COURT ADJOURNED.

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Friday, September 18, 1998

DIVISION ONE

A070981, A072754 -- Hope Ewing, Individually and as Conservator, etc., et al. v. Douglas Troy et al.

A077055 -- Hope Ewing, Individually and as Conservator, etc., et al. v. Alfred G. Dessayer as Executor, etc., et al.

A078955 -- Robert J. Davies et al. v. Alfred G. Dessayer as Executor, etc. et al.

The portion of the judgment in phase II of the trial filed on November 19, 1996, awarding the Davies the recovery of attorney fees against the estate and the portion of the order filed April 29, 1997, fixing those attorney fees are reversed to the extent that they deny the recovery of attorney fees that the Davies incurred in defending the plaintiffs' action, and the case is remanded for further proceedings consistent with this opinion. In all other respects, the judgment is affirmed.

Each party is to bear its own costs on appeal. Swager, J. We concur: Strankman, P.J., Stein, J. (Not for Publication.)

A081132 -- Patricia E. McQuade v. Donald Del Grande.

The judgment is affirmed. Stein, J. We concur: Strankman, P.J., Swager, J. (Not for Publication.)

Friday, September 18, 1998 (continued)

DIVISION THREE

A082235 -- In re Russell L., a Person Coming Under the Juvenile Court Law.

The jurisdictional and dispositional orders are affirmed. Phelan, P.J. We concur: Corrigan, J., Parrilli, J. (Not for Publication.)

A083178 -- Victoria M. v. The Superior Court of the County of Alameda, Alameda County Social Services Agency, R.P.I.

The petition for extraordinary relief is denied on the merits. (See Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888, 894; *Bay Development, Ltd. v. Superior Court* (1990) 50 Cal.3d 1012, 1024.) The section 366.26 hearing is set for September 28, 1998. Therefore, our decision is final in this court immediately. Parrilli, J. We concur: Phelan, P.J., Walker, J. (Not for Publication.)

DIVISION FOUR

A079912 -- In re the Marriage of Carol Ann and Michael Gus Stamenson.

We affirm the judgment. Reardon, J. We concur: Hanlon, P.J., McGuiness, J. (Not for Publication.)

A081320 -- Dan Briggs et al. v. Jeffrey Hartman.

A081375 -- Dan Briggs et al. v. Jack Waid et al.

The purported appeals from the judgment and the attorney fees order are dismissed. Reardon, J. We concur: Hanlon, P.J., McGuiness, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Monday, September 21, 1998

DIVISION TWO

A077728 -- The People v. Willie Joe Cross.

The judgment of the trial court is affirmed. Ruvolo, J. We concur: Haerle, Acting P.J., Lambden, J. (Not for Publication.)

A079459 -- The People v. Darren Valle.

The judgment is affirmed. Lambden, J. We concur: Kline, P.J., Haerle, J. (Not for Publication.)

A081796 -- The People v. Daniel Wayne Ford.

The judgment is affirmed. Lambden, J. We concur: Haerle, Acting P.J., Ruvolo, J. (Not for Publication.)

A083741 -- In re Victor Ahmad Malik, on Habeas Corpus.

By The Court: The petition for writ of habeas corpus is denied. Kline, P.J.

Monday, September 21, 1998 (continued)

A083742 -- In re Janessa G., a Person Coming Under the Juvenile Court Law.

The petition for extraordinary writ is denied on the merits. (See Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888; § 366.26, subd. (1) [precluding further challenge to these orders by petitioners in any subsequent appeal].) Since the permanency planning hearing is presently set for October 14, 1998, our decision is final as to this court immediately. (Cal. Rules of Court, rule 24(d).) Haerle, Acting P.J. We concur: Lambden, J., Ruvolo, J. (Not for Publication.)

A084180 -- In re Jon Zin, on Habeas Corpus.

By The Court: The petition for writ of habeas corpus is denied. Kline, P.J.

DIVISION FOUR

A078980 -- In re Damian P., a Person Coming Under the Juvenile Court Law.

The order of May 30, 1997 denying appellant presumed father status is reversed. Poché, J. We concur: Hanlon, P.J., McGuinness, J. (Not for Publication.)

A080052 -- Christa G. Bothe v. Boon Liang Pang et al.

In light of our finding that recovery from the Account cannot be upheld except as to the Park View Centre investment, we reverse the order insofar as it directs the Commissioner to pay Bothe an amount in excess of \$20,000. In all other respects the order is affirmed. Poché, Acting P.J. We concur: Reardon, J., McGuinness, J. (Not for Publication.)

Monday, September 21, 1998 (continued)

A081376, A082295 -- Robert H. v. The Superior Court of Sonoma County, Sonoma County Human Services Department, R.P.I.

The petitions for an extraordinary writ are denied on the merits. (See Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888, 894; *Bay Development, Ltd. v. Superior Court* (1990) 50 Cal.3d 1012, 1024.) Any stays previously issued in these matters are dissolved. Our decision is final in this court immediately. Reardon, J. We concur: Hanlon, P.J., Poché, J. (Not for Publication.)

DIVISION FIVE

A079671 -- Robert Half International, Inc. v. Franchise Tax Board.

The judgment is reversed, and the matter is remanded to the trial court for further proceedings consistent with this opinion. Champlin, J.* We concur: Jones, P.J., Haning, J.

*Judge of the Superior Court of Napa County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution. (Certified for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Tuesday, September 22, 1998

DIVISION TWO

A079549 -- Robert Young v. Thanksgiving Coffee Company, et al.

The judgment is affirmed. Haerle, J. We concur: Kline, P.J., Ruvolo, J.
(Not for Publication.)

A080837 -- In re the Marriage of Tara Gilbert and James Gilbert III.

The judgment of the trial court is affirmed. Ruvolo, J. We concur: Kline, P.J., Haerle, J. (Not for Publication.)

A078082 -- The People v. Dedric Blount.

A082548 -- In re Dedric Blount, On Habeas Corpus.

By The Court: It is ordered that the opinion filed herein on September 1, 1998, be modified in the following particulars: (See Order.)

This modification does not effect a change in the judgment. Kline, P.J.

DIVISION FOUR

A080181 -- In re the Marriage of Miriam Michael and Steven Restaino.

The order is affirmed. Poché, Acting P.J. We concur: Reardon, J., McGuiness, J. (Not for Publication.)

Tuesday, September 22, 1998 (continued)

A082270 -- The People v. Leland Duane St. Clair.

The judgment of conviction is affirmed. Poché, J. We concur;; Hanlon, P.J., McGuiness, J. (Not for Publication.)

MINUTES

COURT OF APPEAL STATE OF CALIFORNIA FIRST APPELLATE DISTRICT DIVISION THREE

Tuesday, September 22, 1998

Court convened at 9:00 a.m.. in its Courtroom at 303 Second Street, Marathon Plaza, South Tower, Fourth Floor, San Francisco, California.

Present: Walker, J., Parrilli J. and C. Turner, Deputy Clerk.

Justice Parrilli announced the absence of J. Phelan and that J. Phelan would listen to the audio tapes of oral argument.

A080227 Lauderdale Associates,

v.

California Department of Health Services,

Counsel has no objection to Phelan, P.J., absence and his listening to the audio tape of oral argument.

Cause called and argued by Ralph Johnson, Deputy Attorney General, counsel for appellant, and Roland Rapp, counsel for respondent.

Cause ordered submitted.

A080281 Ronald Chang,

v.

Albert Ghan, et al.,

Counsel has no objection to Phelan, P.J., absence and his listening to the audio tape of oral argument.

Cause called and argued by David J. Byers, counsel for appellant, and David Steele, counsel for respondent.

Cause ordered submitted.

A079234 Betty Yu, et al.,

v.

Estate of Arnold J. Mandiberg, Deceased.

Counsel has no objection to Phelan, P.J., absence and his listening to the audio tape of oral argument.

Cause called and argued by Draper B. Gregory, counsel for appellant, and Daniel Winters, counsel for respondent.

Cause ordered submitted.

Justice Corrigan took her place on the bench.

A079928 Susan Marie Demartini,

v.

The Mechanics Bank, et al.,

Cause called and argued by Joseph M. Alioto, counsel for appellant, and
Fletcher Alford and Susan Jamison counsel for respondent.

Cause ordered submitted.

Justice Parrilli left the bench

A082128

Miracle Auto Center, et al,

v.

Pacific Specialty Insurance Co.,

Counsel has no objection to Phelan, P.J., absence and his
listening to the audio tape of oral argument.

Cause called and argued by Stephen M. Smith, counsel for petitioner and
Janet Kulig, counsel for real party in interest.

Cause ordered submitted.

A079969

Hunt-Wesson, Inc.,

v.

Franchise Tax Board,

Counsel has no objection to Phelan, P.J., absence and his
listening to the audio tape of oral argument.

Cause called and argued by David Lew, counsel for appellant, and Edwin
Antolin, counsel for respondent.

Cause ordered submitted.

A080506

Fred Grange,

v.

John S. Dupen, et al.,

Counsel has no objection to Phelan, P.J., absence and his
listening to the audio tape of oral argument.

Cause called and argued by Terry Thomas, counsel for appellant, and
Robert L. Zaletel counsel for respondent.

Cause ordered submitted.

A081949

In re the Marriage of Valerie and Gregory Hales.

Valerie M. Edlund,

v.

Gregory T. Hales,

Counsel has no objection to Phelan, P.J., absence and his
listening to the audio tape of oral argument.

Cause called and argued by Russell J. Hanlon counsel for appellant, and
Micheline Insalaco, counsel for respondent.

Cause ordered submitted.

court adjourned

MINUTES

COURT OF APPEAL STATE OF CALIFORNIA FIRST APPELLATE DISTRICT DIVISION THREE

Tuesday, September 22, 1998

Court convened at 1:30 p.m. in its Courtroom at 303 Second Street, Marathon Plaza, South Tower, Fourth Floor, San Francisco, California.

Present: Corrigan J., Parrilli, J, and J. Casados, Deputy Clerk.

A078668 Roger Ashenazi et al.,

v.

Andrea Palash et al.

Counsel has no objection to Phelan, P.J., absence on the bench and his listening to the audio tape of oral argument.

Cause called and argued by Arthur Lempert, counsel for appellants, and Paige Wickland, counsel for respondents. Cause ordered submitted.

A080783 Robert M. Sherman et al.

v.

Seton Medical Center.

Counsel has no objection to Phelan, P.J., absence on the bench and his listening to the audio tape of oral argument.

Cause called and argued by A. Charles Dell'Ario, counsel for appellants, and Cyrus A. Tabari, counsel for respondent. Cause ordered submitted.

A080057 Dorene L. Musilli et al.,

v.

Amen & Keith et al.

Counsel has no objection to Phelan, P.J., absence on the bench and his listening to the audio tape of oral argument.

Cause called and argued by Paul C. Jess, counsel for appellants, and Mark H. Rosenthal, counsel for respondents. Cause ordered submitted.

A075506 F.W. Woolworth Company et al.,
v.
Franchise Tax Board.
Counsel has no objection to Phelan, P.J., absence on the bench and his listening to the audio tape of oral argument.
Cause called and argued by Michael D. Bray, counsel for appellants, and Joyce Hee, Deputy Attorney General, counsel for respondent. Cause ordered submitted.
Justice Walker took the bench.

A074119 Apple Computer, Inc.,
v.
Industrial Indemnity Company et al.
Counsels' application permission to display exhibits in the courtroom during oral argument is denied. Although C. Randall Bain, Esq., is not a member of the state bar and had not filed an application for pro hac vice status with this court, the court will grant his verbal request to share in the oral argument with Mr. Brown as long as the opposing counsel does not object. No objection by the opposing counsel.
Cause called and argued by C. Randall Bain and Jack E. Brown, counsel for appellant Apple Computer, Inc., and Richard de Saint Phalle, counsel for appellants Industrial Indemnity Company et al. Cause ordered submitted.

A080584 Thomas G. Paulson, II, et al.,
v.
William A. Lange.
Cause called and argued by Jeff Hosking, counsel for appellant, and Randall Brummitt, counsel for respondents. Cause ordered submitted.

A080141 Oakland Citizens for Site B., et al.,
v.
Port of Oakland et al.;
Lincoln Property Company, Inc.
Cause called and argued by Edmund Brown, Jr., and Susan Brandt-Hawley, counsel for appellants, and Joseph Brecher, counsel for respondents. Cause ordered submitted.

A080285 Arata Properties et al.,
v.
Joseph D. Putnam et al.
Cause called and argued by Benjamin Johnson, counsel for appellants, and Merrill Emerick, counsel for respondents. Cause ordered submitted.
Court adjourned.

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Wednesday, September 23, 1998

DIVISION ONE

A082487 -- The People v. Steve A. Plummer.

The judgment is affirmed. Swager, J. We concur: Strankman, P.J., Stein, J. (Not for Publication.)

DIVISION TWO

A077655 -- Arlene Fogel et al. v. City and County of San Francisco.

The judgment of the trial court is affirmed. Ruvolo, J. We concur: Haerle, Acting P.J., Lambden, J. (Not for Publication.)

DIVISION THREE

A076628 -- Oliver A. Jones, et al. v. Louis Trujillo, et al.

By The Court: The petition for rehearing is denied. Corrigan, Acting P.J.

A079449 -- The People v. Anthony Michael Maestas.

The judgment is affirmed. Phelan, P.J. We concur: Parrilli, J., Walker, J. (Not for Publication.)

Wednesday, September 23, 1998 (continued)

**A080141 -- Oakland Citizens for Site B et al. v. Port of Oakland et al.,
Lincoln Property Company, Inc., R.P.I.**

The trial court's denial of the petition for writ of mandate is affirmed.
Respondents to recover costs on appeal. Walker, J. We concur: Corrigan, Acting
P.J., Parrilli, J. (Not for Publication.)

A080285 -- Atara Properties et al. v. Joseph D. Putnam et al.

The trial court's order and judgment granting summary judgment are
affirmed. Respondents to recover costs on appeal. Walker, J. We concur:
Corrigan, Acting P.J., Parrilli, J. (Not for Publication.)

**A080520 -- In re Eric S., a Person Coming Under the Juvenile Court
Law.**

The judgment is affirmed. Walker, J. We concur: Corrigan, Acting P.J.,
Parrilli, J. (Not for Publication.)

DIVISION FOUR

A073352 -- The People v. Michael Van Wynn.

Our June 16, 1997, decision is vacated. After reconsideration of that
decision at the direction of the California Supreme Court, we order the sentence
modified to add 302 days of conduct credit, for a total of 1,297 days of credit. The
trial court shall correct the abstract of judgment accordingly. As modified, the
judgment, including the sentence, is affirmed. Reardon, J. We concur: Hanlon,
P.J., Poché, J. (Not for Publication.)

A078287 -- Lee Dymits v. City and County of San Francisco et al.

The judgment and order are affirmed. Poché, J. We concur: Hanlon, P.J.,
Reardon, J. (Not for Publication.)

Wednesday, September 23, 1998 (continued)

A080561 -- The People v. Johnny Leon Small, Jr.

The judgment is affirmed. McGuiness, J. We concur: Poché, Acting P.J., Reardon, J. (Not for Publication.)

A080657 -- Randolph W. Dale et al. v. State Farm Mutual Automobile Insurance Company.

In sum, all of appellants' claims lack factual and/or legal merit. The judgment is affirmed. Appellants to bear costs of appeal. McGuiness, J. We concur: Hanlon, P.J., Reardon, J. (Not for Publication.)

A080697 -- The California Department of Corrections v. The Office of Administrative Hearings, Chester Holmes, R.P.I.

The appeal is dismissed as moot. Hanlon, P.J. We concur: Poché, J., McGuiness, J. (Certified for Publication.)

A080863 -- Dennis E. Souza et al. v. Norwest Mortgage, Inc., et al.

The judgment is affirmed. Appellants shall pay respondents' costs on appeal. McGuiness, J. We concur: Poché, Acting P.J., Reardon, J. (Not for Publication.)

A081004 -- The People v. Raymond Miller Pondelick, Jr.

The appeal is dismissed. Hanlon, P.J. We concur: Reardon, J., McGuiness, J. (Not for Publication.)

MINUTES

CALIFORNIA COURT OF APPEAL FIRST APPELLATE DISTRICT DIVISION ONE

Wednesday, September 23, 1998

The Court convened at 9:00 a.m. in its courtroom at 303 - 2nd Street, Fourth Floor, San Francisco. Present: Strankman, P.J., Stein, J., Swager, J. and N. Millner, Deputy Clerk.

- A081626 Granite Management Corp.,
v.
Lloyd's of London, et al.
Cause called and argued by James L. Stengel, counsel for appellant, and Louis H. Castoria, counsel for respondent. Cause ordered submitted.
- A081756 Estate of Hubert Klaffki.
Ursula Just,
v.
May Merry Klaffki.
Cause called and argued by Robert Rudolph, counsel for appellant. David R. Owens, counsel for respondent, advised the court prior to argument that due to settlement of the underlying case, he would not appear for argument. Cause ordered submitted.
- A083393 Janeth H.,
v.
The Superior Court;
Social Services Agency.
Cause called and argued by Ralph Lopez, counsel for petitioner, and Bruce Goldstein, counsel for respondent. Cause ordered submitted.
- A081947 Council for Private Postsecondary and
Vocational Education, et al.,
v.
Columbia Pacific University, et al.
Cause called and argued by Asher Rubin, Deputy Attorney General, counsel for appellant, and Orrin Grover, counsel for respondent. Cause ordered submitted.

Court recessed until 2:00 p.m.

Court reconvened at 2:00 p.m. Present: Strankman, P.J., Stein, J., Swager, J. and N. Millner, Deputy Clerk.

- A080224 Marybeth Armendariz, et al.,
v.
Foundation Health Psychcare Services.
Cause called and argued by William Gaus, counsel for appellant, and Glenn M. Clark, attorney for respondent. Cause ordered submitted.
- A079892 Ronald M. Toran,
v.
City and County of San Francisco.
Cause called and argued by Ronald M. Toran, appellant in pro per, and Mark Mosley, Deputy City Attorney, counsel for respondent. Cause ordered submitted.
- A080820 Heather Hollins,
v.
Edward Sullivan, et al.
Cause called and argued by Diana R. Miller, counsel for appellant, and Jan T. Chilton, counsel for respondent. Cause ordered submitted.
- A081232 In re Douglas J. Winston
on Habeas Corpus.
Cause called and argued by Greg Mangani, Deputy Attorney General, counsel for petitioner, and Steve Fama, counsel for respondent. Cause ordered submitted.
- A077304 The People,
v.
Michael Jerome Powell.
Cause called and argued by Robert Platt, counsel for appellant, and John R. Vance, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

Court recessed until Thursday, September 24, 1998 at 9:00 a.m.

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Thursday, September 24, 1998

DIVISION ONE

A080074 -- The People v. Raymond Bradford.

The judgment is affirmed. Strankman, P.J. We concur: Stein, J., Swager, J. (Not for Publication.)

A081033 & A081035 -- The People v. John Edmund Fassio.

The judgment is reversed and the cause remanded to the trial court. The trial court shall either sentence appellant in accordance with the plea agreement's maximum three-year concurrent sentence or withdraw its approval of the plea agreement and permit appellant to withdraw his plea, vacate the plea, and reinstate the original charges. Strankman, P.J. We concur: Stein, J., Swager, J. (Not for Publication.)

DIVISION TWO

A079007 -- The People v. Cindy Sue Smith.

The judgment is affirmed. Haerle, J. We concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

A080208 -- The People v. Michael B. Bickham.

The order extending appellant's commitment pursuant to section 1026.5 is affirmed. Ruvolo, J. We concur: Haerle, Acting P.J., Lambden, J. (Not for Publication.)

Thursday, September 24, 1998 (continued)

A083819 -- G. L. Mezzetta, Inc. v. The Superior Court of Napa County, City of American Canyon, R.P.I.

By The Court: The petition for writ of mandate is denied without prejudice as premature. Kline, P.J.

DIVISION FOUR

A081117 -- Dayna E. Kriedler et al. v. Victoria's Secret, Inc.

The judgment dismissing the Unruh Act cause of action is reversed. In all other respects, the judgment is affirmed. Reardon, J. We concur: Hanlon, P.J., Poché, J. (Not for Publication.)

A082218 -- The People v. Michael Anthony Brown.

Judgment affirmed. Reardon, J. We concur: Poché, Acting P.J., McGuinness, J. (Not for Publication.)

MINUTES

CALIFORNIA COURT OF APPEAL FIRST APPELLATE DISTRICT DIVISION ONE

Thursday, September 24, 1998

The Court convened at 9:00 a.m. in its courtroom at 303 - 2nd Street, Fourth Floor, San Francisco. Present: Stein, Acting P.J., Swager, J. and B. Robbins, Deputy Clerk.

Acting Presiding Justice Stein announced that Presiding Justice Strankman was unavailable for oral argument. He informed all counsel that Presiding Justice Strankman was familiar with all the cases, has read all the briefs, and would have audio tapes from oral argument. He asked if all counsel would agree to proceed without Presiding Justice Strankman. Unless otherwise noted, all counsel agreed.

- A081015 John D. Freeman, et al.,
 v.
 Richard C. Wharton.
 Caused called and counsel for appellant, Arlo H. Smith, initially objected to arguing without the presence of Presiding Justice Strankman. Acting Presiding Justice Stein granted appellant 10 days to file additional written opposition, with cause to be submitted thereafter. The objection was noted and argument commenced by Arlo H. Smith, counsel for appellants, and Richard J. Henderson, counsel for respondent. Arlo H. Smith withdrew his objection at the end of argument. Cause ordered submitted.
- A079603 Brenda Dukes,
 v.
 Hill, Schwartz & Stenson.
 Cause called and argued by Jerry Schreiberstein, counsel for appellant, and Michael P. Guta, counsel for respondent. Cause ordered submitted.

- A076572 Robin Moshonov,
v.
Unique Homes, et al.
Caused called and argued by Thomas J. LaLanne, counsel for appellant Ganulin; and Robert Gerhardt, counsel for appellant Walsh. Counsel for respondent, Tony J. Tanke, objected to arguing without the presence of Presiding Justice Strankman. Acting Presiding Justice Stein granted appellant 10 days to file additional written opposition, with cause to be submitted thereafter. The objection was noted and argument resumed with Tony Tanke for respondent. Written opposition due within 10 days and cause to be submitted thereafter.
- A073986 The People,
v.
Aaron Lyndale Cooper, et al.
Caused called and argued by Stephen B. Bedrick, counsel for appellant Cross; Michael Sattris, counsel for appellant Cooper; and Rene A. Chacon, Deputy Attorney General, counsel for respondent. Caused ordered submitted.
- A078166 The People,
v.
Humberto Gonzalez Grageda.
Caused called and argued by Nicholas F. Reyes, counsel for appellant, and Kenneth C. Young, Deputy Attorney General, via teleconference, counsel for respondent. Caused ordered submitted.
- Court adjourned.

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Friday, September 25, 1998

DIVISION ONE

A079448 -- In re Paul B., Jr. et al., Persons Coming Under the Juvenile Court Law.

The order dismissing dependency and ordering a permanent plan of guardianship, with no visits between the minors and appellant, is affirmed; however, that portion of the order stating that appellant must apply for visitation in family law court is reversed. Strankman, P.J. We concur: Stein, J., Swager, J. (Not for Publication.)

DIVISION TWO

A079517 -- John Wheeler et al. v. The Superior Court of the County of Alameda, Earl Taft Benson, Enterprise Rent-A-Car, Inc., R.P.I.

The appeal is dismissed. Costs on appeal to real parties in interest Earl Taft Benson and Enterprise Rent-a-Car, Inc. Kline, P.J. We concur: Haerle, J., Ruvolo, J. (Not for Publication.)

A079910 -- Allstate Insurance Company v. Tig Insurance Company.

The judgment is affirmed. Lambden, J. We concur: Haerle, Acting P.J., Ruvolo, J. (Not for Publication.)

Friday, September 25, 1998 (continued)

A082908 -- In re Gregorio F., A Person Coming Under the Juvenile Court Law.

The order of May 27, 1998 continuing appellant as a ward of the court until January 18, 1999 is affirmed. Kline, P.J. We concur: Haerle, J., Lambden, J. (Not for Publication.)

DIVISION THREE

A075664 -- In re the Marriage of William and Sally Ogletree.

By The Court: The petition for rehearing and request for publication are denied. Walker, Acting P.J.

DIVISION FOUR

A078881 -- The People v. Maurice Darnell Jones.

The conviction in count 12 for receiving stolen property is reversed. The sentence in count two for forcible oral copulation is vacated and the matter is remanded for resentencing. In all other respects, the judgment is affirmed. Hanlon, P.J. We concur: Reardon, J., McGuiness, J. (Not for Publication.)

A081314 -- In re Shaunte N., a Person Coming Under the Juvenile Court Law.

We affirm. Jones, P.J. We concur: Haning, J., Champlin, J.* *Judge of the Superior Court of Napa County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Monday, September 28, 1998

DIVISION ONE

A081068 -- In re Ronald N., a Minor.

We find the reasoning of *Sexton* applicable in this case to allow the order of full restitution to the victim. The judgment and order appealed from are affirmed. Swager, J. We concur: Strankman, P.J., Stein, J. (Not for Publication.)

A081686 -- In re Frankie C., a Minor.

The orders declaring the minor a ward of the court and committing him to CYA are affirmed. Swager, J. We concur: Strankman, P.J., Stein, J. (Not for Publication.)

DIVISION TWO

A080155 -- In re Jonathan B., a Person Coming Under the Juvenile Court Law.

The judgment is affirmed. Ruvolo, J. We concur: Kline, P.J., Lambden, J. (Not for Publication.)

Monday, September 28, 1998 (continued)

DIVISION THREE

A076659 -- The People v. Ronald Earl Duncan.

The judgment is affirmed. Corrigan, J. We concur: Phelan, P.J., Walker, J. (Not for Publication.)

A078471 -- The People v. Mary Margaret Lund.

The judgment imposing sentence is reversed. On remand, the court should sentence defendant on all counts. Each sentence should be stayed under section 654 with the exception of one count of forgery or the conspiracy count. Corrigan, J. We concur: Phelan, P.J., Parrilli, J. (Not for Publication.)

A079501 & A079502 -- 24 Hour Fitness, Inc., et al. v. The Superior Court of Sonoma County, Sierra Munshaw, R.P.I.

Munshaw entered into a valid and enforceable agreement to arbitrate any disputes arising from her employment with Nautilus. The defendants established on summary judgment that all of Munshaw's claims, with the possible exception of those against defendant Hamilton, are subject to that agreement. The court ruled properly as to Hamilton but erred in denying summary judgment in favor of Nautilus, Rodriguez, Harmon and Cunningham.

The consolidated petitions for writ of mandate are denied as to defendant Hamilton. As to the remaining petitioners, let a peremptory writ of mandate issue directing respondent superior court to vacate its order of July 16, 1997 denying their motions for summary judgment and to enter a new order granting summary judgment as requested by Nautilus, Rodriguez, Harmon and Cunningham. Costs are awarded to Nautilus, Rodriguez, Harmon and Cunningham pursuant to rule 56.4 of the California Rules of Court. Munshaw and Hamilton are to bear their own costs. Corrigan, J. We concur: Phelan, P.J., Walker, J. (Certified for Publication.)

Monday, September 28, 1998 (continued)

DIVISION FOUR

A079937 -- The People v. Terrence Anthony Mullins.

The judgment is affirmed. McGuiness, J. We concur: Hanlon, P.J., Poché, J. (Not for Publication.)

A081147 -- The People v. George Lee Whaley.

The judgment is affirmed. Reardon, J. We concur: Hanlon, P.J., McGuiness, J. (Not for Publication.)

A081771 -- Kaiser Foundation Hospitals et al. v. The Superior Court of San Mateo County, Nancy Smee et al., R.P.I.

The alternative writ is discharged and the stay is dissolved. Let a peremptory writ of mandate issue directing the superior court (1) to set aside and vacate its order of February 17, 1998, granting plaintiffs' motion to compel production of documents, to the extent it requires Kaiser to produce all documents as to which the protection of either the attorney-client privilege or work product doctrine has been made, and (2) to enter an order denying the motion. The trial court shall review the privilege log already prepared by Kaiser to determine whether the documents pertaining to the investigation as to which Kaiser claims the protection of the attorney-client privilege or the work product doctrine are in fact privileged. Should the trial court find the information in the privilege log insufficiently specific to allow a determination of whether each withheld document is or is not privileged, the trial court may order Kaiser to prepare another privilege log containing more particularized information about the nature of each document as to which the attorney-client privilege is claimed. As to documents for which the protection of the work product doctrine is claimed, the trial court may order in camera inspection to evaluate whether such documents are protected under the work product doctrine and, if so, whether such protection is absolute or qualified. Should the trial court determine that any documents are not in fact privileged or protected by the work product doctrine, the motion to compel may be renewed.

Kaiser shall recover its costs on this writ proceeding. McGuiness, J. We concur: Hanlon, P.J., Poché, J. (Certified for Publication.)

Monday, September 28, 1998 (continued)

A082065 -- Lauriane T. v. Superior Court of California, County of Alameda, Social Services Agency of Alameda County, R.P.I.

A082066 -- John D., v. Superior Court of California, County of Alameda, Social Services Agency of Alameda County, R.P.I.

The order terminating reunification services and setting a selection and implementation hearing under section 366.26 complies with governing law and is supported by substantial evidence. The petition for an extraordinary writ is denied on the merits. (See Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888, 894; *Bay Development, Ltd v. Superior Court* (1990) 50 Cal.3d 1012, 1024.) Any stays previously issued in this matter are dissolved. Our decision is final in this court immediately. Poché, Acting P.J. We concur: Reardon, J., McGuinness, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Tuesday, September 29, 1998

DIVISION ONE

A081015 -- John D. Freeman et al. v. Richard C. Wharton et al.

The judgment is affirmed. Stein, J. We concur: Strankman, P.J., Swager, J. (Not for Publication.)

DIVISION TWO

A080084 -- The People v. Ralph Eugene Downs.

The judgment shall be modified to stay sentence on one of the two convictions and, as so modified, is affirmed. Kline, P.J. We concur: Haerle, J., Lambden, J. (Not for Publication.)

A080151 -- Estate of Ida Mae Amey, Deceased.

Barbara J. Wiggins v. Ralph C. Kelly.

It follows that appellant's notice of appeal, filed more than a month after service of notice of entry of the order appealed, was untimely. The appeal must be dismissed. Kline, P.J. We concur: Haerle, J., Ruvolo, J. (Not for Publication.)

A083927 -- Paul L. Hulme, et al. v. The Superior Court of San Francisco County, Geneva Bell, et al., R.P.I.

By The Court: The petition for writ of mandate/prohibition/stay is denied. Kline, P.J.

Tuesday, September 29, 1998 (continued)

A084207 -- In re Louis Johnson, on Habeas Corpus.

By The Court: The petition for writ of habeas corpus is denied. Kline, P.J.

A084236 -- Norbert A. Schueller v. The Superior Court of Contra Costa County, Orrin Carpenter, et al., R.P.I.

By The Court: The petition for writ of mandate is denied. Kline, P.J.

DIVISION THREE

A076327 -- The First National German American Sebastian Kneipp and Mineral Water Church v. The Berkeley Rent Stabilization Board, Estate of Valerie Trogden et al., R.P.I.

The judgment is reversed in part and remanded for further proceedings consistent with this opinion. Corrigan, J. We concur: Phelan, P.J., Parrilli, J. (Not for Publication.)

A076423 -- Kim Marie Thorburn et al. v. California Department of Corrections et al.

For all the foregoing reasons, the judgment of the trial court is affirmed. Phelan, P.J. We concur: Corrigan, J., Parrilli, J. (Certified for Publication.)

A076936 -- Nancy Lavelle v. BankAmerica Corporation et al.

The judgment in favor of Bank of America is reversed to the extent it dismisses plaintiff's first (FEHA) cause of action, and the matter is remanded to the trial court for further proceedings consistent with the views expressed in this opinion.

The judgment in favor of BAC is affirmed.

The parties shall pay their own costs on appeal. Parrilli, J. We concur: Phelan, P.J., Corrigan, J. (Certified for Partial Publication.)

Tuesday, September 29, 1998 (continued)

A079596 -- The People v. Gerald Jason Hudson.

The sentence is vacated and the case is remanded for resentencing so the trial court may exercise its discretion to impose concurrent or consecutive sentences. In all other respects, the judgment is affirmed. Parrilli, J. We concur: Phelan, P.J., Corrigan, J. (Not for Publication.)

A081041 -- David Lee Key v. Department of Motor Vehicles.

The trial court's order is affirmed. Key shall recover his costs on appeal. Parrilli, J. We concur: Phelan, P.J., Walker, J. (Not for Publication.)

DIVISION FOUR

A081110 -- Frazier Lee Knight v. Ruth Ann Terry, as Executive Officer, etc.

The judgment is affirmed. Appellant to bear costs of appeal. McGuiness, J. We concur: Hanlon, P.J., Poché, J. (Not for Publication.)

A082196 -- The People v. Eric Steven Winder.

The judgment is affirmed. McGuiness, J. We concur: Hanlon, P.J., Poché, J. (Not for Publication.)

Tuesday, September 29, 1998 (continued)

DIVISION FIVE

A079890 -- In re the Matter of Robert W., a Minor.

The court is ordered to prepare an amended jurisdictional order stating that only the robbery and receiving stolen property allegations were found to be true. In addition, the receiving stolen property finding is reversed. In all other respects, the disposition is affirmed. Champlin, J* We concur: Jones, P.J., Haning, J.

*Judge of the Superior Court of Napa County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Wednesday, September 30, 1998

DIVISION ONE

A079603 -- Brenda Dukes v. Hill, Schwartz & Stenson.

The judgment is affirmed. Stein, J. We concur: Strankman, P.J., Swager, J. (Not for Publication.)

A080485 -- Hacienda Neighbors et al. v. City of Walnut Creek et al.

Accordingly, the judgment is affirmed. Swager, J. We concur: Strankman, P.J., Stein, J. (Not for Publication.)

A082645 -- The People v. Andre Gonzelas Williams.

The judgment is affirmed. Stein, J. We concur: Strankman, P.J., Marchiano, J. (Not for Publication.)

DIVISION TWO

A078796 -- The People v. Kayton Dozon Clark.

The judgment is affirmed. Ruvolo, J. We concur: Haerle, Acting P.J., Lambden, J. (Not for Publication.)

A080397 -- The People v. Fiesta Faiva Saaga.

The judgment is affirmed. Lambden, J. We concur: Haerle, Acting P.J., Ruvolo, J. (Not for Publication.)

Wednesday, September 30, 1998 (continued)

DIVISION THREE

A075303 -- Jeffrey Fikes, a Minor, etc. v. County of Alameda et al.

Accordingly, the judgment of the trial court shall be reversed and the cause remanded for further proceedings consistent with this opinion. Costs to appellant. Phelan, P.J. We concur: Parrilli, J., Walker, J. (Not for Publication.)

A075758 -- The People v. Larry Lorenzo Johnson.

The judgment is affirmed. Corrigan, J. We concur: Phelan, P.J., Walker, J. (Not for Publication.)

A075903 -- The People v. Mark Wayne Sprinkle.

The judgment is affirmed. Corrigan, J. We concur: Phelan, P.J., Walker, J. (Not for Publication.)

A076904 -- In re Ronald A., a Person Coming Under the Juvenile Court Law.

The judgment of the juvenile court is affirmed. Corrigan, Acting P.J. We concur: Parrilli, J., Walker, J. (Not for Publication.)

A077724 -- 717 Central Avenue Joint Venturers et al. v. James Pope.

The superior court judgment is modified as follows: Appellants are awarded all net proceeds from the sale of the property. The partnership is dissolved. Appellants are to recover costs on appeal. Walker, J. We concur: Corrigan, Acting P.J., Parrilli, J. (Not for Publication.)

A077893 -- Modesto Salazar v. San Mateo County Transit District et al.

The judgment is affirmed. The parties to bear their own costs on appeal. Corrigan, J. We concur: Phelan, P.J., Parrilli, J. (Not for Publication.)

Wednesday, September 30, 1998 (continued)

A078339 -- Robert M. Cassel v. Theodore A. Kolb.

Affirmed. Respondent to recover costs on appeal. Walker, J. We concur: Phelan, P.J., Corrigan, J. (Not for Publication.)

DIVISION FOUR

A078653 -- The People v. Mack Craig, Jr.

The judgment is affirmed. Poché, J. We concur: Hanlon, P.J., Reardon, J. (Certified for Partial Publication.)

A081742 -- In re Edwardo L., a Person Coming Under the Juvenile Court Law.

The jurisdictional and dispositional orders are affirmed. Poché, J. We concur: Hanlon, P.J., McGuinness, J. (Not for Publication.)

A081816 -- Deborah Lewis v. La Dell Jermany.

The judgment is reversed. This matter is remanded to the trial court with directions either to withdraw its order to show cause or to conduct further proceedings relating to imposition of sanctions under Local Rule 4.4(2)(c). McGuinness, J. We concur: Poché, Acting P.J., Reardon, J. (Not for Publication.)

A081833 -- In re Terrance S., a Person Coming Under the Juvenile Court Law.

The judgment is affirmed. Reardon, J. We concur: Poché, Acting P.J., McGuinness, J. (Not for Publication.)

Wednesday, September 30, 1998 (continued)

DIVISION FIVE

A081152 -- In re the Marriage of Christer and Helena Fagertsten.

The order is affirmed. Jones, P.J. We concur: Haning, J., Champlin, J.*

*Judge of the Superior Court of Napa County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution. (Not for Publication.)

A081479 -- In re Amanda L. et al., Persons Coming Under the Juvenile Court Law.

The judgments are affirmed. Jones, P.J. We concur: Haning, J.,

Champlin, J.* *Judge of the Superior Court of Napa County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution. (Not for Publication.)

A084287 -- API Partners et al. v. Superior Court of the State of California, County of San Mateo, Charlene Archibeque, et al., R.P.I.

By The Court: The above entitled petition is ordered transferred from Division One to Division Five of this court. An appeal, A078843, related to this matter was previously filed and assigned to Division Five. This order is made pursuant to Rule 20(b)(2) of the California Rules of Court. Strankman, Administrative Presiding Justice.